

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-138678-001 DT

09/23/2010

HON. ROGER E. BRODMAN

CLERK OF THE COURT

J. Matlack

Deputy

STATE OF ARIZONA

THOMAS L MARQUOIT

v.

TAMI LORRAINE MARTINEZ (001)

DOB: December 22, 1966

HESAM ALAGHA

APO-SENTENCINGS-CCC

APPEALS-CCC

AZ DOC

AZ DOC - INMATE TRUST ACCOUNTS

DISPOSITION CLERK-CSC

RFR

VICTIM SERVICES DIV-CA-CCC

SENTENCE - IMPRISONMENT AND PROBATION

9:26 a.m.

Courtroom 1301 - CCB

State's Attorney: Thomas Marquait

Defendant's Attorney: Hesam Alagha

Defendant: Present

Court Reporter: Traci Stutsman

Victim, Steven Scott Belknap, addresses the Court.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

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Count(s) 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1: As Amended: Theft
Class 4 Felony
A.R.S. § 13-1801, 1802, 701, 702, 702.01, 610, and 801
Date of Offense: February 20, 2008
Non Dangerous - Non Repetitive

OFFENSE: Count 2: Fraudulent Schemes and Artifices
Class 2 Felony
A.R.S. § 13-2310, 701, 702, 801, and 610
Date of Offense: Between January 1, 2006 and February 5, 2008
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 3.25 year(s) from September 23, 2010
Presentence Incarceration Credit: 31 day(s)
Aggravated

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K) and 41-1604.07(D), due to the term of probation in Count 2.

In the event the Defendant is released by the Department of Corrections on a temporary release basis pursuant to A.R.S. §31-233, and a term of Community Supervision has been waived pursuant to A.R.S. §13-603(K), the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 2 Probation Term: 7 year(s)

Upon absolute discharge from prison for a separate offense in Count 1.

Conditions of probation include the following:

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Condition 16 - Restitution, Fines, and Fees:

RESTITUTION: Count 1 and 2 - \$219,250.19 payable \$250.00 per month to the following persons:

Southwest Dealer Services, Inc (Business) \$219,250.19

Restitution ledger provided; priority of payment as stated in the restitution ledger.

Restitution shall be paid monthly in an amount to be determined by the Arizona Department of Corrections in compliance with A.R.S. § 31-230.

PROBATION SERVICE FEE: Count 2 - \$65.00 per month.

ASSESSMENTS:

Count 2: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

Count 2: PROBATION SURCHARGE: \$20.00.

Payment to commence on TBD and is due on the same day of each month thereafter until paid in full.

All amounts payable through the Clerk of the Superior Court.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforeponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 17 - Not consume or drink any substance containing alcohol.

Condition 18 - Not have any contact with the victim(s) whatsoever, unless approved in writing by the Adult Probation Department.

Condition 24 - Participate and cooperate in any counseling or assistance as directed by the APD as noted in the Uniform Conditions of Supervised Probation.

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Condition 25 - Abide by the Special Conditions of Probation as noted on the attachment to the Uniform Conditions of Supervised Probation.

IT IS ORDERED granting the Motion To Dismiss the following: Counts 3, 4, 5, and 6 as reflected in the Plea Agreement.

Count(s) 2: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

9:58 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HON. ROGER E. BRODMAN
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)